

APR. Apr 10, 12

Town of North Andover
ZONING BOARD OF APPEALS

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
Richard M. Vaillancourt
D. Paul Koch Jr.



Associate Member
Michael P. Liporto
Tyler Speck
Zoning Enforcement Officer
Gerald A. Brown

DRAFT MINUTES

Tuesday, February 14, 2012 at 7:30 p.m.

Town Hall 120 Main Street, North Andover, Massachusetts

Members present: Ellen McIntyre, Richard Byers, and Richard Vaillancourt and D. Paul Koch Jr.
Associate Member: Michael Liporto and Tyler Speck
Also in attendance: Zoning enforcement Officer, Gerald Brown
Excused absence: Albert Manzi III

Ellen McIntyre is the acting Chairman in Albert Manzi III absence

McIntyre called the meeting to order at 7:30

a) Pledge of Allegiance

McIntyre began the meeting with welcoming the newest Zoning Board's Associate Member, Tyler Speck. McIntyre stated that the letter dated January 11, 2012 from the Board of Selectman appointed Speck to the Board and can be referenced if anyone was interested.

APPROVAL OF MINUTES

January 10, 2012

Vaillancourt made a motion to approve the minutes as written.

Byers second the motion.

Those voting in favor to approve the minutes were Ellen McIntyre, Richard Byers, Richard Vaillancourt, Michael P. Liporto and D. Paul Koch Jr.

All were in favor

Continued Public Hearings

Housing Partnership Report, McIntyre stated that the committee met in January, and also met with the new Town Manager, Andrew Maylor. They discussed with the town Manager his views on affordable housing as well as different locations with regards to affordable housing; such as Bradstreet School, the old Police Station as well as other various locations in the town. Maylor also wanted to hear feedback from the Committee on the direction that the Town is going. They also discussed the Down Payment Assistant Program, and that it is now in the process of helping three people with loans. McIntyre also stated that the Housing Plan we have now expires in November 2012, and that Curt Bellavance, Director of Community Development is now in the process of getting this plan updated.

Report from the Board on the Site Visit at Campion Hall, Friday January 27th 2012.

McIntyre reported on the site visit at Campion Hall, and mentioned all those who attended this site visit. McIntyre stated they saw an affordable unit in the mansion as well as viewed a Town House.

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McIntyre was very pleased with the results of the project and also stated that they are very close to completion.

Modification of a Prior Decision for Rear Lot, LLC, 24 Main Street (Map 28, Parcel 14)

Atty. Domenic Scalise walked to the podium on behalf of his clients to discuss 24 Main Street (Rear Lot LLC) and that it is in the IS Zoning District, as well as the Downtown Overlay District.

Scalise also talked of the lot size.

Scalise gave a history of what took place at the Board and also what was granted in 2009 regarding 24 Main Street. Scalise stated at that time it was approved to be a Storage Facility. Scalise also talked of the nearby area and the types of homes and structures surrounding that lot.

Shortly after the approval of the storage facility from the Board of Appeals, this area as well as the surrounding neighborhood became part of the Downtown Overlay District.

Scalise talked of the Downtown Overlay District and how it affected the uses, setbacks and variances and is now part of the Zoning By laws, Section 18.

Scalise also talked of the permitted uses in the Overlay District, stating that it allows for a more compact development in this area. Scalise continued to reference Section 18 of the Zoning Bylaws regarding the Downtown Overlay District, and also the purposes for this District, and how 24 Main Street is affected.

Scalise is requesting for his clients a modification of an existing Decision from 2009 from an Industrial Use, to now a Residential Use, by constructing a number of town houses on this parcel.

Scalise referenced "The Permitted Extension Act", Supplied by Curt Bellavance on 14 February 2012, allowing permits a two year extension. Scalise then spoke of another letter submitted by Curt Bellavance stamped February 14, 2012. The letter stated that Bellavance and the office of Community Development support the project. The Overlay District intent is to promote a variety of uses.

Scalise stated that they have filed with the Planning Board and will also go in front of the Conservation Board.

McIntyre asked the Board members if they had any questions or if anyone was here for or against the project. No one spoke up.

The Board asked Gerald Brown, Zoning Enforcement Officer if he had anything in addition to input into this discussion.

Brown stated that he and Curt Bellavance met and talked a number of times on this project, and both were in support. Brown also stated as a matter of "Right" they can do what is proposed.

The Board asked the jurisdiction that the Planning Board would have regarding this project. Scalise answered, and listed a number of items such as lighting, parking, fencing and landscaping that the Planning Board would have regarding the project.

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Vaillancourt made a motion to close the hearing.

Byers second the motion.

All were in favor to close the hearing, Ellen McIntyre, Richard Byers, Richard Vaillancourt, Michael P. Liporto, and D. Paul Koch Jr.

5-0

Amendment to these February Minutes were stated, at the March 13th Board of Appeals meeting held at Town Hall, for the Modification of a Prior Decision for Rear Lot, LLC, 24 Main Street (Map 28, Parcel 14).

At the March Board of Appeals Meeting an amendment was made to correct the February Minutes. Verbiage, at the time of the February meeting had been used incorrectly, it was referenced that Rear Lot LLC, was a Public Hearing. This was not a Public Hearing, but considered only part of a Discussion during a regular scheduled meeting. This amendment is to reflect and set right the correct verbiage.

Byers made a motion to Grant Modification of the Decision from February 13, 2009, Petition 2008-2014 and allow use as a Residential Property Use (Town Houses) rather than an Industrial Use (storage facility). Byers also referenced all of the plans and maps in front of him submitted on January 27, 2012. Vaillancourt second the motion.

All those in favor to Grant the Modification of the Decision, Ellen McIntyre, Richard Byers, Richard Vaillancourt, Michael P. Liporto and D. Paul Koch Jr.

5-0

McIntyre gave a brief summary of each of the **Miscellaneous Correspondences** that had been submitted into the Board's Package such as;

Merrimack Valley Planning Commission (time stamped January 11, 2012), CHAPA (time stamped January 11, 2012), FEMA (time stamped January 12, 2012), Recorded copy of the Form J Lot Release Orchard Village (time stamped January 17, 2012), Community Housing monitoring activities regarding Orchard Village (time stamped January 26, 2012), Correspondence from Tom Urbelis (dated January 26, 2012) and Stevens Corner-Final Permit/As-Built Site Plans (time stamped January 29, 2012)

Zoning Board's Annual Election

McIntyre moved onto the last item, the Annual Election.

Vaillancourt made a motion to continue Manzi as Chairman, McIntyre as Vice Chairman and Byers as Clerk

Koch second the motion

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All were in favor, Ellen McIntyre, Richard Byers, Richard Vaillancourt, Michael P. Liporto, D. Paul Koch Jr., and Tyler Speck.

Vaillancourt made a motion to adjourn the meeting

Byers second the motion

All were in favor to adjourn the meeting: McIntyre, Byers, Vaillancourt, Liporto, Koch and Speck

Adjournment: 8:10